

EXHIBIT H

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION

TANYA GERSH,

Plaintiff,

vs.

ANDREW ANGLIN, publisher of
the *Daily Stormer*,

Defendant.

Case No.: 9:17-cv-00050-DLC-JCL

**AFFIDAVIT OF DALE CROSBY
NEWMAN**

After being duly sworn, Affiant says as follows:

1. My name is Dale Crosby Newman, I am over the age of 18 and competent to provide the following information.

Professional Background and Experience

2. I am a Principal Owner, Broker and Realtor at PureWest Real Estate in Whitefish, Montana.
3. I have been in Real Estate more than 25 years.
4. My real estate experience includes Real Estate sales, management and development.
5. I merged my company, West Venture Real Estate, to create PureWest Real Estate, one of the most well-respected Brokerages in the state of Montana, with offices in Billings, Bozeman, Missoula, Kalispell, and Whitefish.

6. I have been involved in well over 1,000 real estate transactions.
7. Tanya Gersh ("Tanya") was hired by PureWest in November, 2014.
8. I work with Tanya and am familiar with her abilities as a Real Estate Agent.

Importance of Online Marketing for Real Estate Professionals

9. I have seen statistics from the National Association of Realtors ("NAR") asserting that 94% of consumers start their home search online, 96% of First Time Home Buyers start their home search online.
10. I do not disagree with the national statistics that NAR presents, set out in paragraph 9 above. However, based on my experience, expertise, and involvement in the real estate business, I would estimate that in Montana, for the past several years, almost all real estate transactions begin on online.
11. Agent online profiles are very important, as are social media presence.
12. Among the basic social media outlets that a Real Estate Agent should maintain to be as successful as possible are Facebook, Instagram, Pinterist, Twitter and Snapchat.

Impact of Negative Online Reviews

13. Online reviews are especially important for Real Estate Agents.
14. In my opinion, at least half of all potential buyers look to online reviews in choosing a Real Estate agent.

15. Negative online reviews of a Real Estate Agent can severely curtail an agent's potential sales.

The Attack Campaign and It's Impact on PureWest

16. In December of 2016, I witnessed Tanya become the target of a coordinated attack campaign directed at her ("Attack Campaign") through, among other means, PureWest's various phone numbers and online access points.

17. Prior to the Attack Campaign, to my knowledge, our company had received only positive reviews and feedback about Tanya.

18. As a result of the Attack Campaign, our offices were bombarded with hundreds of phone calls, emails and negative online comments by anonymous individuals making spurious claims about Tanya "extorting" people and/or vicious, hate-filled, anti-Semitic slurs and attacks on, and about, Tanya.

19. The Attack Campaign was the most intense in the first few months, between December 16, 2016 and April 2017, and lessened in intensity as the months went by. However, PureWest still receives occasional hostile anti-Semitic messages to, or about, Tanya.

20. The Attack Campaign against Tanya was extremely disruptive to our business. Among other disruptions, PureWest was required to arrange staffing so that personnel were devoted to dealing with the barrage of

harassing communications and otherwise responding to the publicity generated by the Attack Campaign, as well as responding to false complaints about Tanya and the company to, for example, the Better Business Bureau.

21. The Attack Campaign against Tanya was very upsetting to the employees who were frequently verbally abused, and exposed to vile anti-Semitic vitriol, by those participating.

22. PureWest lost revenue as a result of the Attack Campaign against Tanya.

The Impact of the Attack Campaign on Tanya's Earnings

23. As set out above, Tanya was hired by PureWest in November, 2014. It is my understanding that this was her first job as a Real Estate Agent.

24. Tanya has the skills to be a highly successful real estate agent. Among the skills that Tanya possesses are that she is highly personable; very knowledgeable about the area and listings; has a very good work ethic; and is highly motivated.

25. I would estimate that a highly successful PureWest Real Estate Agent who specializes, as Tanya did and does, in Luxury Homes and Properties in Whitefish Montana, who possesses the skills that Tanya possesses, set out in paragraph 24 above, can expect to make, on average, between \$175,000 and \$225,000 in their first year; between \$275,000 and \$300,000 in their second

year; between \$325,000 and \$350,000 in their third year; between \$350,000 and \$375,000 in their fourth year.

26. In general, it takes 5-7 years for a Real Estate Agent to build their clientele and establish their reputations to reach what would be considered their average annual compensation.

27. As a result of the Attack Campaign against Tanya, we were forced to remove all of her listings from the PureWest website.

28. Tanya was forced to take down all of her online marketing and social media presence.

29. For a Real Estate Agent, the effect of removing of all their online presence and activity, as Tanya was forced to do, is tantamount to being put out of business.

30. Tanya is a very good real estate agent, who was still building her practice when the Attack Campaign was launched.

31. Because Tanya had only been working in real estate for less than two years, her earning potential is likely irrevocably stunted as a result of the negative publicity and reviews she received as a result of being the target of the Attack Campaign.

32. In order for a Real Estate Agent to reach their earning potential, they must have a good online reputation and engage in significant social media efforts.

Unfortunately, Tanya's reputation has been forever tarnished as a result of the Attack Campaign.

33. For example, I conducted the following searches with the following results on June 10, 2019:

- a. "Tanya Gersh Realtor" using Bing as my internet search engine and Internet Explorer as my browser. The second result that came up was a listing of Tanya in "Judas Watch," a site "Documenting anti-White traitors, subversives, and highlighting Jewish influence" that repeated Andrew Anglin's false narrative about Tanya extorting someone.
- b. "Tanya Gersh," using Bing as my internet search engine and Internet Explorer as my browser. The second result was a site with a false narrative about Tanya engaging in adultery with a client on "She's A Homewrecker" that was clearly written by a participant in the "troll storm" and posted a few days after the Attack Campaign began.
- c. "Tanya Gersh" using Google as a search engine and Internet Explorer as my internet browser. Only three of the 100 top results were sites that led to Tanya's listings or reviews. The news about Tanya having been targeted by a neo-Nazi dominated the results.

34. It is my opinion that, even where the results are about Tanya having taken a stand to sue to stop the onslaught of harassment, the fact that the top results

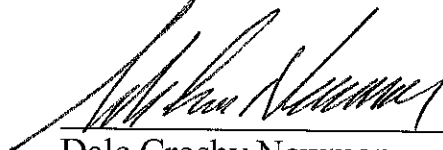
are about her being targeted because she is Jewish and being involved in a controversial matter leading to a lawsuit, and not about her success as a real estate agent or identifying her listings, significantly diminishes her capacity to earn clients and commissions.

35. It is my opinion that the online campaign of harassment has set Tanya back in her career and earning potential at least 10 years and it is unlikely that she will ever reach her full earning potential had she not been victim to this online harassment campaign.

36. Based on Tanya's earnings, and my observations of her skills as a real estate agent, I would estimate that, in 2017, Tanya earned about 28% of what she would have if she had not been the victim of the online harassment campaign. I would estimate that Tanya will be able to earn an additional percentage of her earning potential in each successive year, capping out at 80% of her full earning potential had she not been the victim of the Attack Campaign.

37. The documents attached as Exhibits to this Affidavit were downloaded from the files of our company and are accurate copies of Transaction Net Reports for Tanya Gersh reflecting her yearly net earnings for the dates indicated on each.

Further Affiant saith naught.



Dale Crosby Newman

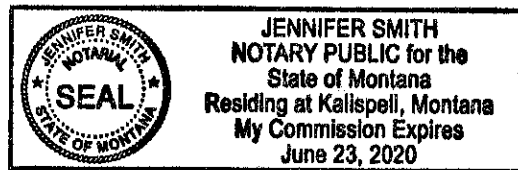
STATE OF MONTANA

COUNTY OF FLATHEAD

This instrument was signed or acknowledged before me on

June 20, 2019 by Dale Crosby Newman

Jennifer Smith
Signature of Notary Public



[Affix seal/stamp]

1st Amendment
1/15/2019

Pure Real Estate LLC

Transaction Net Report

Agent: 030 - Gersh, Tanya (Whitefish)

Closed Transactions - (12/16/2016 - 12/15/2017)

Trans. #	Type	Address	Offer Date	Close Date	% of Side	Sides	Volume	Sale	Commission	Agent	Agent Net	Agt Liab.
----------	------	---------	------------	------------	-----------	-------	--------	------	------------	-------	-----------	-----------

Selling Side

Total # of Listing Sides:

Total # of Selling Sides:
Total # of Sides For Closed Transactions - (12/16/2016 - 12/15/2017):

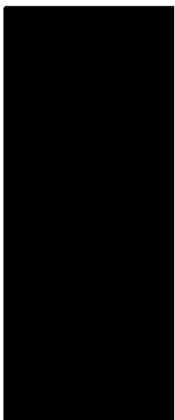
Closed Transactions - (12/16/2016 - 12/15/2017) Totals:

Sides: Listing/Listing Other/Selling/Selling Other
Firm Types: Firm/Conditional
Sorted By: Agent Name
Property Types: RS RESIDENTIAL
RW Residential Waterfront
RE Referral

CO COMMERCIAL
LW Waterfront Land
BO Boat slip, Other

New Written Transactions: Not Included
Pending Transactions: Not Included
Closed Transactions: Included
LA Land
PP Personal Property
RN RANCH

Sides Volume Commission Agent Net Agt Liab



[8.5.N.1]

Pure Real Estate LLC

Transaction Net Report

Agent: 030 - Gersh, Tanya (Whitefish)

Closed Transactions - (12/16/2017 - 12/15/2018)

Trans. #	Type	Address	Offer Date	Close Date	% of Sides	Sale Volume	Agent Commission	Agent Net	Agt Liab.
----------	------	---------	------------	------------	------------	-------------	------------------	-----------	-----------

Selling Side

Total # of Listing Sides:

Total # of Selling Sides:
Total # of Sides For Closed Transactions - (12/16/2017 - 12/15/2018):

Closed Transactions - (12/16/2017 - 12/15/2018) Totals:

Sides	Volume	Commission	Agent Net	Agt Liab
-------	--------	------------	-----------	----------

Sides: Listing/Listing Other/Selling/Selling Other
Firm Types: Firm/Conditional
Sorted By: Agent Name
Property Types: RS RESIDENTIAL
RW Residential Waterfront
RE Referral

CO COMMERCIAL
LW Waterfront Land
BO Boatslip, Other

New Written Transactions: Not Included
Pending Transactions: Not Included
Closed Transactions: Included
LA Land
PP Personal Property
RN RANCH